UNITED
NATIONS

CAT

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.
GENERAL

CAT/C/5/Add.25
10 May 1991

Original: ENGLISH

COMMITTEE AGAINST TORTURE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION

Initial reports of States parties due in 1988

Addendum

BELIZE

[18 April 1991]

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

A Note

1. "Torture" as defined in article 1 of the Convention is prohibited by the Constitution of Belize. Section 7 of the Belize Constitution enjoins that "no person shall be subjected to torture or to inhuman or degrading punishment or other treatment". Further, under section 8 of the Constitution, no person shall be required to perform forced labour, nor held in slavery or servitude.

2. The various acts constituting torture are offences under the criminal laws of Belize. For example, intentional infliction of pain or suffering will amount to the offences of assault, harm, wounding, etc. Similarly, the use of unwarrantable violence by a police officer against a person in custody is an offence under the Police Act of Belize.

3. Judicial corporal punishment was abolished in Belize by the Abolition of Judicial Corporal Punishment Act, 1978. No person in prison can be obliged to do hard labour.

GE.91-12069/0229H

4. Adequate provisions exist in Belize to ensure that confessional statements taken by the police or other persons in authority from accused persons by the use of torture are not admitted in evidence. According to the Evidence Act of Belize, before any such statement is received in evidence, the prosecution must prove to the satisfaction of the judge that it was not induced by any promise of favour or advantage or by use of fear, threat or pressure by or on behalf of a person in authority. The police authorities must also follow "judges' rules" which lay down guidelines as to the treatment of persons in custody. To ensure the observance of these rules, a judge is required to hold a "trial within a trial" to satisfy himself that a statement sought to be admitted in evidence was given by the accused person freely and voluntarily.

5. The provisions of the Convention can be invoked by the courts only through their transformation into specific internal laws and administrative regulations. However, as the main ingredients of the Convention are already incorporated in our laws, no further enabling legislation is absolutely necessary.

6. Any person who alleges that his constitutional right not to be subjected to torture has been breached can apply to the Supreme Court for redress. Where any act of torture amounts to an offence, criminal proceedings may be instituted.

7. The Human Rights Commission of Belize acts as a watch-dog in the matter of torture and brings any such cases to the notice of the authorities. Recently, at the instance of the Human Rights Commission, an independent Commission of Inquiry was set up by the Prime Minister of Belize under the Commissions of Inquiry Act, to investigate a case of alleged torture of an alien by police authorities.

8. It is not the practice in Belize to extradite any person who there is reason to believe may be subjected to torture in the requesting State. Extradition is normally granted according to bilateral extradition treaties which, as a rule, exclude the extradition of offenders accused of political offences.

9. Any person in Belize who is arrested or detained has a constitutional right to be informed promptly, and in any case no later than 48 hours, of the reasons for his arrest or detention, and to communicate without delay and in private with a lawyer of his own choice. He is also entitled to the remedy by way of habeas corpus for determining the validity of his detention.

10. In Belize, unlike several other countries, there are no preventive detention laws and no special courts to try special offences. All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. All courts sit in public to try cases according to the ordinary law of the land.

11. No difficulties have arisen in Belize in regard to the fulfilment of obligations under the Convention. This is because the main provisions of the Convention are already incorporated in our laws and are habitually followed by all concerned.